

REMARKS

This application pertains to a novel redetachable device.

Claims 1, 5, 7-8, 10-13 and 18 are pending.

Claims 1, 5, 7-8, 10-13 and 18 stand rejected under 35 USC 112, first paragraph as failing to comply with the written description requirement. This rejection has been imposed because the Examiner views the language added to the last three lines of Claim 1 as constituting new matter. Applicants do not believe that such language constituted new matter, as inherently when one area of a surface is roughened the roughness of that area will be different than the roughness of the rest of the surface. Nevertheless, in a determined effort to advance the progress of this application, the language concerned has been deleted. The deletion does not constitute new matter or a new issue, as it simply restores the claim to its previous form, in which form it has already been examined. The amendment deleting the objected to language should therefore not be refused entry.

The amendment to claim 1 obviates the rejection, and the rejection of claims 1, 5, 7-8, 10-13 and 18 under 35 USC 112, first paragraph as failing to comply with the written description requirement should accordingly now be withdrawn.

Claims 1, 5, 7-8, 10-13 and 18 stand rejected under 35 USC 102(b) as anticipated by or, in the alternative, under 35 USC 103(a) as obvious over Lühmann et al '397. The Examiner contends that Applicants' range of roughness based parameters "inherently read upon a significant number of the embodiments disclosed by the reference, even though a significant number of the reference's embodiments deal with 'low stick and slip friction'.

Initially, it should be noted that the Examiner has not pointed to one single embodiment of the Lühmann reference which he believes Applicants' claims "inherently read upon". To the contrary, those skilled in the art reading Lühmann will see that this reference is specifically directed to edge regions having 'low stick and slip friction'. Where does the Examiner see any embodiments that do not have 'low stick and slip friction'?

In addition, the Examiner's contention of inherency is completely without basis, and amounts to sheer unsupported speculation. For inherency to exist as to any particular element, the extrinsic evidence must make clear that such element is *necessarily* present in the thing described in the reference, and the presence of such element therein would be so recognized by persons skilled in the art. *In re Robertson*, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999). Further, inherency is not established by probabilities or possibilities, and the mere fact that a property may result from a given circumstances is not sufficient; instead it must be shown that such property *necessarily* inheres in the thing described in the reference. Nowhere does Lühmann '397 teach or suggest anything at all about surface roughness. In addition, the Examiner has provided absolutely no evidence whatsoever that would in any way suggest that the edge regions of Lühmann have surface roughness that would even begin to approach those of Applicants' claims. Consequently, Lühmann '397 cannot be seen as "inherently" anticipating or suggesting the present claims.

Moreover, Lühmann is specifically concerned with the use of plates which, in the edge region, contain a material which has a low coefficient of stick friction and low coefficient of slip friction with respect to the adhesive film (col. 4, lines 12-14; col. 5, lines 26-28, 36-43; 52-62).

Applicants, by contrast, introduce roughness to their edge regions. This is done, for example, as a part of the injection molding process (paragraph bridging pages 8 and 9). The Lühmann process, by contrast, uses two different materials (one of which has the required "low friction") in a corresponding injection molding process (Col. 5, parenthetical expression lines 55-56), and does not introduce any roughness to the article being molded.

Furthermore, no person skilled in the art would ever equate "low friction" with enhanced roughness. Those skilled in the art would see enhanced roughness as increasing, not decreasing, friction. Therefore such persons would be led away from Applicants' invention by Lühmann's teaching to use "low stick and grip friction" (Col. 2, line 55).

Accordingly there is absolutely no foundation for the Examiner's contention that Applicants' claims are anticipated by or are obvious over Lühmann '397, and the rejection of claims 1, 5, 7-8, 10-13 and 18 under 35 USC 102(b) as anticipated by or, in the alternative, under 35 USC 103(a) as obvious over Lühmann et al '397 should accordingly now be withdrawn.

In view of the accompanying amendments and remarks, it is believed that claims 1, 5, 7-8, 10-13 and 18 are now in condition for allowance. Reconsideration of said claims by the Examiner is respectfully requested and the allowance thereof is courteously solicited.

CONDITIONAL PETITION FOR EXTENSION OF TIME

If any extension of time for this response is required, Applicants request that this be

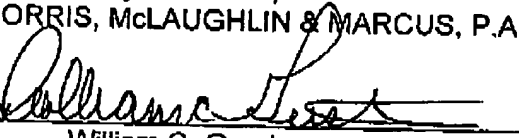
considered a petition therefor. Please charge the required petition fee to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fee or credit any excess to Deposit Account No. 14-1263.

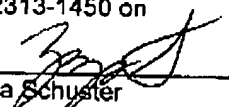
Respectfully submitted,
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I hereby certify that this correspondence is being transmitted via facsimile no. 571-273-8300 addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on


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